

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X **AFFIDAVIT OF SERVICE**

KOBRE & KIM LLP,

Civil Action No. 19-cv-10151-LAK-OTW

Plaintiff,

v.

COMMODITY FUTURES TRADING  
COMMISSION,

Defendant.

-----X

STATE OF NEW YORK )

) ss.:

COUNTY OF QUEENS )

Aldane Chambers, being duly sworn, deposes and says that Deponent is not a party to this action, is over 18 years of age, and is a resident of the State of New York.

On November 6, 2019 at approximately 4:30 p.m., at the United States Attorney's Office-Civil Division located at 86 Chambers Street, 3<sup>rd</sup> Floor, New York, NY 10007, Deponent served the within Summons in a Civil Action; Civil Cover Sheet; Complaint with Exhibits; Rule 7.1 Statement; Individual Rules of Practice of Lewis A. Kaplan, United States District Judge; Individual Practices in Civil Cases of Ona T. Wang, United States Magistrate Judge; and Electronic Case Filing Rules & Instructions upon: the **Commodity Futures Trading**

**Commission**, by personally delivering to and leaving with Lisa Ahearn, Civil Clerk, a true and correct copy of said documents.

At the time of said service, Lisa Ahearn stated that she is duly authorized to accept service of legal documents on behalf of the United States Attorney's Office-Civil Division as Attorney for the Commodity Futures Trading Commission. Lisa Ahearn also acknowledged service by stamping a copy of the aforementioned Complaint. Said acknowledgment is attached hereto.

Lisa Ahearn is described as a White female, approximately 48-58 years of age, 230-265 lbs., 5'5"-5'7" tall, had greying hair and wore glasses.

*Aldane Chambers*

Aldane Chambers

Sworn to before me this  
8<sup>th</sup> day of November, 2019

*Karlene S. Jackson*  
Notary Public

*Karlene S. Jackson, Notary Public*  
*State of New York, #01JA5083169*  
*Qualified in Queens County*  
*Commission Expires November 17, 2021*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

KOBRE & KIM LLP,

Plaintiff,

- v. -

COMMODITY FUTURES TRADING  
COMMISSION,

Defendant.

INDEX NO. 19-cv-10151

Lisa Ahearn

COPY RECEIVED

✓ NOV 06 2019

U.S. ATTORNEY'S OFFICE SDNY

Civil Clerk

**COMPLAINT**

1. Plaintiff Kobre & Kim LLP ("Plaintiff" or "Kobre & Kim") brings this action against the Commodity Futures Trading Commission ("CFTC" or "Commission") for unlawfully withholding documents subject to disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

**NATURE OF THE ACTION**

**Introduction**

2. This FOIA Complaint seeks documents concerning the CFTC's unprecedented "gag" settlement in the landmark case, *U.S. Commodity Futures Trading Comm'n v. Kraft Foods Grp., Inc.*, Case No. 15-cv-2881 (N.D. Ill.) (hereafter, "Kraft"). The documents in Plaintiff's original FOIA request will shed light on a question of great public interest: why did the CFTC, the nation's principal regulator of commodities and derivatives markets, try to conceal the factual and legal bases for its litigation settlement with Kraft Foods Group Inc. and Mondelez Global LLC (collectively, "Kraft") and agree never to discuss that settlement in public? At least two